<u>REMARKS</u>

[0002] Applicant respectfully requests reconsideration and allowance of all of the

claims of the application. The status of the claims is as follows:

Claims 1, 2, 5-14, 30, 31, 40, 41 and 51-58 are currently pending

Claims 15-23 and 59-67 are canceled herein

• Claims 1, 2, 30, 40 and 51 are amended herein

[0003] Claims 1, 30, 40 and 51 have been amended to incorporate elements and

features from original claim 42. Support for the additional amendments to claims 1, 30,

40 and 51 is found in the specification at least at page 19, lines 12-30 and page 50, line

22 through page 51, line 23. Specifically, support for the inclusion of the elements of

clarifying how the advertisements are selected is found at least at page 19, lines 12-30.

Support for the clarification regarding demographic characteristics can be found at least

at page 50, line 22 through page 51, line 23.

Claims 15-23, 41 and 59-67 Comply With § 112 2nd Paragraph

[0004] Claims 15-23, 41 and 59-67 stand rejected under 35 U.S.C. § 112, ¶ 2, as

allegedly being indefinite. Applicant respectfully traverses this rejection, but in an

attempt to advance prosecution, Applicant has canceled these claims herein. The

cancelation of these claims thus rendering the rejection moot.

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**Cited Documents** 

[0005] The following documents have been applied to reject one or more claims of

the Application:

• E208: Ellis et al., U.S. Patent Application Publication No. 2005/0028208

Abecassis: Abecassis, U.S. Patent No. 6,038,387

Knudson041: Knudson et al., U.S. Patent No. 6,536,041

Claims 1-2, 5-11, 30-31, 40-41 and 51-67 Are Non-Obvious Over E208 in view

of Abecassis

[0006] Claims 1-2, 5-11, 30-31, 40-41 and 51-67 stand rejected under 35 U.S.C. §

103(a) as allegedly being obvious over E208 in view of Abecassis. Applicant

respectfully traverses the rejection.

Independent Claim 1

[0007] In light of the amendments presented herein, Applicant submits that the

rejection of independent claim 1 is moot. Independent claim 1 has been amended to

include features and elements not previously examiner by the Examiner. Each of these

features and elements are not taught nor suggested by the cited art.

[0008] Specifically, the combination of E208 and Abecassis does not teach or

suggest "the remote computer stores advertisements that are selectively inserted

between the first and second program segments" wherein the advertisements are

selected based on "demographic characteristics of the user", "a time of day the first and

second program segments are presented to the user", "the predetermined audio and

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visual program" and "a genre associated with the predetermined audio and video

program" as presently claimed by independent claim 1. Further the cited art fails to

teach or suggest that the demographic characteristics comprise: an age of the user,

location of the user, occupation of the user, hobbies and interests of the user,

programming preferences of the user and products and services in which the user has

expressed an interest in."

[0009] Consequently, the combination of E208 and Abecassis does not teach or

suggest all of the elements and features of this claim. Accordingly, Applicant

respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 2 and 5-14

[0010] Claims 2 and 5-14 ultimately depend from independent claim 1. As discussed

above, claim 1 is allowable over the cited documents. Therefore, claims 2 and 5-14 are

also allowable over the cited documents of record for at least their dependency from an

allowable base claim. These claims may also be allowable for the additional features

that each recites.

Independent claim 30 and dependent claim 31

[0011] Applicant respectfully contends that the arguments set forth above with

respect to independent claim 1, as amended, applies with equal weight here and the

cited art does not teach or suggest all of the claimed elements and features of

independent claim 30. Accordingly, Applicant respectfully asks the Examiner to

withdraw the rejections of this claim. Further, dependent claim 31 is allowable for at

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least the same reasons that independent claim 30 is allowable. Applicant respectfully

requests that the Examiner withdraw the rejection of dependent claim 31.

Independent claim 40 and dependent claim 41

[0012] Applicant respectfully contends that the arguments set forth above with

respect to independent claim 1, as amended, applies with equal weight here and the

cited art does not teach or suggest all of the claimed elements and features of

independent claim 40. Accordingly, Applicant respectfully asks the Examiner to

withdraw the rejections of this claim. Further, dependent claim 41 is allowable for at

least the same reasons that independent claim 40 is allowable. Applicant respectfully

requests that the Examiner withdraw the rejection of dependent claim 41.

Independent claim 51 and dependent claims 52-58

[0013] Applicant respectfully contends that the arguments set forth above with

respect to independent claim 1, as amended, applies with equal weight here and the

cited art does not teach or suggest all of the claimed elements and features of

independent claim 51. Accordingly, Applicant respectfully asks the Examiner to

withdraw the rejections of this claim. Further, dependent claims 52-58 are allowable for

at least the same reasons that independent claim 51 is allowable. Applicant respectfully

requests that the Examiner withdraw the rejection of dependent claims 52-58.

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**Conclusion** 

[0014] Applicant respectfully requests reconsideration and prompt issuance of the

application. If any issues remain that prevent issuance of this application, the Examiner

is urged to contact the undersigned representative for the Applicant before issuing a

subsequent Action.

Respectfully Submitted,

Lee & Hayes, PLLC

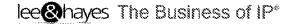
Representative for Applicant

/Jason F. Lindh Reg. No. 59,090/ Dated: 2009-09-02

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